

AMENDMENTS TO THE DRAWINGS

Please amend the figures as shown in the enclosed replacement sheet. The attached sheet of drawings includes changes to Figure 14. Specifically, Figure 14 was amended to change reference numerals "S206" and "S208" to read "S204" and "S206," respectively. No new matter was added by way of these amendments.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-40 are pending in this application. Claims 1, 16, 28, and 35 are independent. The remaining claims depend, directly or indirectly, from claims 1, 16, 28, and 35.

Objections

The drawings are objected to by the Examiner. Specifically, Figure 14 is objected to because of incorrectly labeled reference numerals. Figure 14 has been amended by this reply in accordance with the Examiner's suggestions. No new matter is added by way of this drawing amendment. Applicant respectfully requests that the amended figures be accepted as formal. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-3, 6, 12-13, 16-18, 21, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0044658 ("Wasilewski"). This rejection is respectfully traversed.

Applicant notes that Wasilewski was filed on June 14, 2001, which is after the effective filing date of the present application because the present application claims benefit under 35 U.S.C. § 119 to European Patent Application 98400240.2 filed on February 4, 1998. Wasilewski also claims domestic priority from several continuation and continuation-in-part applications. The earliest "true" continuation application that Wasilewski claims benefit from is Application No. 09/127,152, filed on July 31, 1998, which is still *after* the priority date claimed by the present application. However, continuation application No. 09/127,152 claims benefit from provisional application No. 60/054,575, filed on August 1, 1997 and is a CIP of Application No. 09/111,958, filed on July 8, 1998. Application No. 09/111,958 also claims benefit to provisional application No. 60/054,578, filed August 1, 1997 (before the priority date of the present application). Application No. 09/111,958 has not been published and, thus, is not publicly available. Therefore, in order for the Examiner to maintain this rejection under Wasilewski,

Applicant respectfully requests the Examiner to cite Application No. 09/111,958 or any earlier priority document from which Wasilewski claims benefit in order to show that the effective filing date of the subject matter being asserted against the present claims does in fact predate the priority date of the present application. Until the Examiner makes such a citation and provides copies of any cited priority documents, Applicant respectfully asserts that Wasilewski constitutes improper prior art under 35 U.S.C. § 102, and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner makes several 103(a) rejections based on Wasilewski in view of other cited references. As stated above, Applicant respectfully asserts that as Wasilewski constitutes improper 102 prior art because the effective filing date of the subject matter of Wasilewski that is asserted against the claims of the present invention cannot be determined. Specifically, CIP Application No. 09/127,152 (the CIP from which Wasilewski claim benefit) is not publicly available to determine whether the subject matter asserted against the claims of the present application does in fact predate the priority date claimed by the present application. Therefore, until such time that the Examiner cites and provides a copy of the CIP application in question, Applicant asserts that Wasilewski cannot be used as 35 U.S.C. § 103 prior art. Accordingly, withdrawal of all 103(a) rejections is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/024001).

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Respectfully submitted,

By 

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